

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

MATTHEW CANTERBURY,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-1530

WESTERN REGIONAL JAIL;
BRITTANY ADKINS;
CAPTAIN ALDRADGE;
ADMINISTRATOR WOOD;
CORPORAL AKERS; and
SERGEANT DIAMOND,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Plaintiff's oral motion for an order of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(2) and dismiss Defendant WRJ, removing said Defendant from the style of this case. The Magistrate Judge further recommended that the other defendants remain as parties in this case pending further resolution of the claims presented. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Plaintiff's oral motion for an order of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(2) and **DISMISSES** Defendant WRJ, removing said Defendant

from the style of this case. The other defendants will remain as parties in this case pending further resolution of the claims presented.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: July 18, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE